

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT FRANKLIN KEENE,

Plaintiff,

v.

ORDER

13-cv-341-wmc

DEBOER TRANSPORTATION,
KAY DEBOER, President, CEO, CFO and
ROBERT MELDRUM,

Defendants.

Plaintiff Robert Keene has filed a proposed civil complaint. Plaintiff asks for leave to proceed *in forma pauperis* and has supported his request with an affidavit of indigency. The standard for determining whether plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3700 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs.
- If the balance is greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

From plaintiff's affidavit of indigency, I find that he and his spouse have a monthly income of \$1,679 or an annual income of \$20,148. Plaintiff does not have any dependents nor does plaintiff have substantial debts or assets that require consideration. Therefore, I conclude that plaintiff is able to prepay half the fees and costs of commencing this action in the amount of \$175.

Once payment has been received, the court will review the merits of plaintiff's complaint to determine whether one or more claims must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff is seeking money damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that plaintiff Robert Keene is to pay \$175 of the \$350 filing fee as a condition of proceeding in this action *in forma pauperis* not later than June 10, 2013. If, by June 10, 2013, plaintiff fails to make the required payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 16th day of May, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge